

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF TENNESSEE

Case number (if known)

Chapter

11

☐ Check if this an
amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Massengill Family 2012 Irrevocable Trust

2. All other names debtor
used in the last 8 years

Include any assumed
names, trade names and
doing business as names

3. Debtor's federal
Employer Identification
Number (EIN) 46-6613409

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of
business

4651 N Lee Hwy
Cleveland, TN 37312-4042

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

Bradley

County

Location of principal assets, if different from principal
place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

Debtor **Massengill Family 2012 Irrevocable Trust**
Name

Case number (if known)

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☒ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☐ No.
☒ Yes.

If more than 2 cases, attach a separate list.

District	Eastern District of Tennessee	When	3/21/18	Case number	1:18-bk-11265
District		When		Case number	

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☐ No.
☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	See Attachment	Relationship	
District		When	
		Case number, if known	

Debtor **Massengill Family 2012 Irrevocable Trust** Case number (if known) _____
Name

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☒ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☒ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Massengill Family 2012 Irrevocable Trust**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **September 20, 2018**
MM / DD / YYYY

X /s/ Pamela Massengill
Signature of authorized representative of debtor

Title **Trustee**

Pamela Massengill
Printed name

18. Signature of attorney

X /s/ David J. Fulton
Signature of attorney for debtor

Date **September 20, 2018**
MM / DD / YYYY

David J. Fulton 6102
Printed name

Scarborough & Fulton
Firm name

**620 Lindsay Street
Suite 240
Chattanooga, TN 37403**
Number, Street, City, State & ZIP Code

Contact phone **(423) 648-1880**

Email address **DJF@sfglegal.com**

6102 TN
Bar number and State

Debtor **Massengill Family 2012 Irrevocable Trust**
Name

Case number (if known)

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF TENNESSEE

Case number (if known)

Chapter **11**

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FORM 201. VOLUNTARY PETITION

Pending Bankruptcy Cases Attachment

Debtor **Laura Beth Moore**

Relationship to you

co-debtor

District **Eastern District of Tennessee**

When **3/20/18**

Case number, if known

18-11240 SDR

Debtor **Massengill Investments LLC**

Relationship to you

Affiliate

District **Eastern District of Tennessee**

When **2/20/18**

Case number, if known

1:18-bk-10733 SDR

**United States Bankruptcy Court
Eastern District of Tennessee**

In re **Massengill Family 2012 Irrevocable Trust**

Debtor(s)

Case No.
Chapter

11

VERIFICATION OF CREDITOR MATRIX

The above Debtor(s) hereby verifies under the penalty of perjury under the laws of the United States of America that the attached list of creditors is true and correct to the best of his/her knowledge.

Date: **September 20, 2018**

/s/ Pamela Massengill

Pamela Massengill/Trustee

Signer/Title

Date: **September 20, 2018**

/s/ David J. Fulton

Signature of Attorney

David J. Fulton 6102

Scarborough & Fulton

620 Lindsay Street

Suite 240

Chattanooga, TN 37403

(423) 648-1880 Fax: (423) 648-1881

Atlantic Capital Bank
c/o Tom Dickenson
P.O. Box 869, 617 Main Street
Knoxville, TN 37901

B. Lynn Massengill, Jr.
PO Box 761
Mc Donald, TN 37353

Barry L. Massengill Sr
143 Doe Meadow Lane
Cleveland, TN 37312

Bradley County Trustee's Office
155 North Ocoee St Room 104
Cleveland, TN 37311

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101

Laura Massengill Moore
178 Creekside Lane
Cleveland, TN 37312

Massingill Investments LLC
4651 North Lee Hwy
Cleveland, TN 37312

Pamela Massengill
143 Doe Meadow Lane
Cleveland, TN 37312

**United States Bankruptcy Court
Eastern District of Tennessee**

In re **Massengill Family 2012 Irrevocable Trust**

Debtor(s)

Case No. **18-bk-11265**

Chapter **11**

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)- AMENDED

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Massengill Family 2012 Irrevocable Trust** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

Massengill Investments, LLC 49%
4651 N Lee Hwy
Cleveland, TN 37312

☐ None [*Check if applicable*]

April 9, 2018

Date

/s/ David J. Fulton

David J. Fulton 6102

Signature of Attorney or Litigant

Counsel for **Massengill Family 2012 Irrevocable Trust**

Scarborough & Fulton

620 Lindsay Street

Suite 240

Chattanooga, TN 37403

(423) 648-1880 Fax:(423) 648-1881

DJF@sfglegal.com

**United States Bankruptcy Court
Eastern District of Tennessee**

In re **Massengill Family 2012 Irrevocable Trust**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

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Massengill Investments, LLC
4651 N Lee Hwy
Cleveland, TN 37312

☐ None [*Check if applicable*]

September 20, 2018

Date

/s/ David J. Fulton

David J. Fulton 6102

Signature of Attorney or Litigant

Counsel for **Massengill Family 2012 Irrevocable Trust**

Scarborough & Fulton

620 Lindsay Street

Suite 240

Chattanooga, TN 37403

(423) 648-1880 Fax:(423) 648-1881

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